IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION No. 3452 of 1996

Between:

M.Ram Reddy, S/o. Malla Reddy,
P.A.C.S., Bheemanpally, Vemulpally(M),
Nalgonda Dist.

..... PETITIONER

AND

1 The President, Primary Agricultural Co.op.Society,
Bheemanpally, Vemulapally(M), Nalgonda Dist.
2 The Divisional Co-operative Officer,
Miryalaguda, Nalgonda Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to award an order or direction or a Writ to the respondents herein more particularly one in the nature of Writ of Mandamus:- A) declaring the action of the 1st respondent i.e. , the President P.A.C.S, Bheemanpally, Vemupally (M), Nalgonda Dist., in not permitting the petitioner herein to discharge his duties without serving the retrenchment order and not paying the salaries to the petitioner since December, 1995 is arbitrary and illegal and against the Act 2/1994 and Section 25-F of the industrial Disputes Act, and the Dist.Central Co.op Act; B) and the petitioner may be given all arrears of salaries, and this writ petition may be allowed with all benefits and costs.

Counsel for the Petitioner : MR.M.RAMA RAO

Counsel for Respondent No.1 : Mr. K.Rajanna

Counsel for Respondent No.2 : GP FOR COOPERATION

The Court made the following :

ORDER :

The petitioner, a paid Clerk in the Primary Agricultural Cooperative Society, Bheemanpally Mandal, Nalgonda District, seeks a declaration that the action of the first respondent-Society in not permitting him to discharge his duties without serving the retrenchment order and not paying the salaries since December, 1995, is arbitrary and illegal.

He claims to have been appointed as a Clerk through proceedings dated 17-12-1987. He asserts that the President of the first respondent-society has orally asked him to stop working in the society, and therefore, he seeks the reliefs, already adverted to.

It is neither pleaded or established before this Court, that the Primary Agricultural Cooperative Society, Bheemanpally is an agency or an instrumentality of the State within the meaning of Article 12 of the Constitution of India, nor that his relationship with the said society constitutes public employment. The service grievance that the petitioner has with such an establishment does not call for adjudication under Article 226 of the Constitution of India.

The writ petition is inherently misconceived and is accordingly dismissed. However, there shall be no order as to costs.

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(GODA RAGHURAM, J)

17-11-2004.

Msr.

To

1 The President, Primary Agricultural Co.op.Society,
Bheemanpally, Vemulapally(M), Nalgonda Dist.
2 The Divisional Co-operative Officer,
Miryalaguda, Nalgonda Dist.

3. 2CCs to G.P. for Cooperation, High Court Buildings, Hyd.

4. 2CD copies

HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.3452 of 1996

17-11-2004.

(Msr)